

**REMARKS**

Claims 1-5 have been cancelled. Claims 6-11 have been added. No new matter is presented.

Applicant respectfully requests that the amendments made in response to this final Action be entered as they do not actually add any features not already searched and considered by the Examiner, but were made to merely clarify the invention for the Examiner's consideration. No further search or substantive consideration is necessary.

Claims 1, 2, 4 and 5 are rejected under 35 USC 102(a) as being anticipated by Fujioka, JP 2000-56827. This rejection is respectfully traversed.

Claim 6 recites controlling the operation of the attachment element by way of the actuating means according to voice instructions by the operator in the operator cab of a construction machine. As asserted previously, Fujioka fails to teach or suggest this feature. Rather, Fujioka discloses a remote control system where the operation of a construction machine is directed remotely. Thus, the features of claim 6 are not taught or suggested by Fujioka.

Fujioka likewise fails to teach or suggest the features of claims 7 and 8, which are also allowable at least due to their respective dependencies.

Claims 9-11 are method claims which correspond to claims 6-8, and are thus allowable for the reasons set forth above. Applicant requests that this rejection be withdrawn.

Claim 3 is rejected under 35 USC 103(a) as being unpatentable over Fujioka, as applied to claim 1, and further in view of Masashi, JP 09-265298. This rejection is respectfully traversed.

Claim 3 has been canceled, but claim 8 has been addressed above. Since Fujioka fails to teach or suggest that which the Examiner asserts, and Masashi fails to overcome the deficiencies of Fujioka, claim 8 is allowable for the same reasons claim 6 is allowable. Applicant requests that this rejection be withdrawn.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Attorney Docket No. 356882001200.

Dated: March 17, 2006

Respectfully submitted,

By   
Deborah S. Gladstein

Registration No.: 46,636  
MORRISON & FOERSTER LLP  
1650 Tysons Blvd, Suite 300  
McLean, Virginia 22102  
(703) 760-7753